wood r d in the said instrument of appropriation designated does not conform with nor attempt to conform with the legislation of Congress as to the extension of highways and is in fact an attempt to preserve as a public highway a part of the said Brentwood road expressly closed and forever abandoned as a public highway by the provisions of the act of Congress of February 12th, 1901.

Respondents further show that the Brentwood road is the only western front of the tract of land of these respondents and when closed by the act of Congress said land is deprived of its entire western front.

Your petitioners therefore pray that the said rule may be discharged, that the instrument of appropriation in these pro-
15 ceedings filed by the Baltimore and Ohio Railroad Company be adjudged to be null and void, and that this proceeding be dismissed.

FRANCIS WINSLOW,
AUGUSTUS JAY,
AMERICAN SECURITY & TRUST COMPANY, *Trustees*,
KATE LA MONTAGNE,
HARRIET WINSLOW,
ELIZABETH P. PATTERSON,
By WM. G. JOHNSON, *Att'y.*

WM. G. JOHNSON,
Att'y for Respondents.

(Here follows diagram, Exhibit A, marked p. 16.)

17 *Amendment to Answer of Winslow et al.*

Filed October 7, 1904.

In the Supreme Court of the District of Columbia, Holding a District Court of the United States.

In re the Condemnation by THE BALTIMORE AND OHIO RAILROAD of Part of the Tract of Land in the District of Columbia Known as "Youngsborough." No. 626, District Docket.

The amended answer of the respondents herein shows that the second section of the map of the permanent system of highways in the District of Columbia without the city of Washington, provided f in the act of Congress of March 2, 1893, was duly prepared and

approved as required by said act, and on the 16th of April, 1898, the same was filed and recorded by the surveyor of the District of Columbia as required by said act of Congress: and that thereupon the said second section, so approved and filed as aforesaid, became, as matter of law, a binding diagram of the only lawful extension of public highways through the land mentioned in these proceedings.

These respondents attach hereto a plat of the said land marked Exhibit B on which is delineated all the streets authorized by said second section to be located in and upon the said land in these proceedings mentioned, which it is prayed may be taken, and read as a part hereof.

Respondents further show that none of the streets delineated on said second section of said map as being in or upon
18 the land in these proceedings mentioned has ever been opened or dedicated to the public nor have any proceedings been instituted to condemn any of the land in these proceedings mentioned for the purpose of any of the said highways.

These respondents further show that so much of Third street east as is laid out, by the said second section of said map, through the land of these respondents, is completely vacated and abandoned and closed to public use, and the laying out and use of the same as a public highway are forever prohibited by the third section of the act of Congress approved February 12, 1901 (31 Statutes, 775).

FRANCIS WINSLOW,
AUGUSTUS JAY,
AMERICAN SECURITY & TRUST COMPANY, *Trustees*,
KATE LA MONTAGNE,
HARRIET WINSLOW,
ELIZABETH P. PATTERSON,
By W. G. JOHNSON, *Att'y*.

(Here follows diagram, Exhibit B, marked p. 19.)